increasing the height of at least one of said items closest to said cursor from said default height to a fixed maximum level upon detecting that the cursor is within said threshold distance and maintaining said height at said fixed level while said cursor is equal to or less than said threshold distance from said one item.

## REMARKS

In response to a telephone call from Examiner Bautista, the foregoing Amendment is being presented to further clarify the distinctions between claim 128 and the prior art represented by the Selker patent.

Claim 128 is directed to one aspect of the invention, wherein the tile, or icon, closest to the cursor is magnified to a maximum defined height when the cursor enters the user bar region. This aspect of the invention is depicted in Figures 8a-8d, and described on pages 16-19 of the application. As best illustrated in Figure 8d, when the cursor 610 enters the user bar region, the icon located directly beneath the cursor is magnified to the maximum height H, and the icons on either side of it are scaled by a lesser amount, in dependence upon their distance from the cursor. If the cursor is located at the interface of two icons, both of those icons may be scaled to the maximum height H.

In contrast, the Selker patent discloses an arrangement in which the size of the icon is increased in a generally inverse relation to the proximity of the cursor. As can be seen in Figures 1-3a, for example, as the distance between the cursor 20 and the icon menu 30 decreases, the size of the icon 40 increases. Consequently, the icon does not reach its maximum size until it has actually "captured" the cursor. Even then, as the cursor

continues to move towards the icon menu 30, the selected icon can continue to grow. See column 5, line 65 to column 6, line 5.

This difference in functionality between the present invention and the Selker patent is submitted to be clearly brought out in claim 128. Specifically, claim 128 recites that the height of at least one of the items closest to the cursor is increased "*from* said default height *to* a fixed maximum level *upon detecting that the cursor is within said threshold distance* . . ." The claim further recites that the item is maintained at this height when the cursor is within the threshold distance. In the Selker patent, the size of the icon does not increase *from* the default size *to* the maximum size upon detecting that the cursor is within the threshold distance, e.g. d = 8. Rather, as illustrated in Figure 1 of the patent, the size of the icon only increases to an intermediate value when the cursor is at this distance. In order for the icon to be increased to its maximum size, the user must continue to bring the cursor closer to the icon.

Thus, while the icon eventually reaches a maximum size, it does not do so by being magnified from its default size "upon detecting that the cursor is within said threshold distance" and then maintained at that size, as recited in claim 128. Rather, such a detection only causes the icon to be magnified an amount that is inversely related to its distance from the cursor. Increasing the icon to its maximum size requires further movement of the cursor by the user. Hence, scaling to maximum size is not automatically achieved by detecting that the cursor has come within the threshold distance.

For the foregoing reasons, therefore, it is respectfully submitted that the subject matter of claim 128 is patentably distinct from the disclosure of the Selker patent.

Furthermore, as presented in Applicants' previous response, there is no apparent

motivation to combine any of the teachings of the Carpendale et al publication with the

disclosure of the Selker patent. Accordingly, the Carpendale publication does not render

obvious the differences between the subject matter of claim 128 and the disclosure of the

Selker patent.

Favorable consideration of all pending claims is respectfully requested.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By: _____

James A. LaBarre
Registration No. 28,632

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

Date: April 22, 2003

### Attachment to Amendment dated April 22, 2003

### Marked-up Claim 128

128.    (Amended)  A method for displaying items in a graphical user interface, comprising the steps of:

displaying a plurality of said items at a default height in a region of said graphical user interface;

detecting that a cursor is within a threshold distance from any of said plurality of items; and

increasing the height of at least one of said items closest to said cursor from said default height to a fixed maximum level [when the cursor is detected to be] upon detecting that the cursor is within said threshold distance and maintaining said height at said fixed level while said cursor is equal to or less than said threshold distance from said one item.